

**UNITED STATES DISTRICT COURT
District of New Mexico**

UNITED STATES OF AMERICA ,)

Plaintiff,)

vs.)

Number: 05-1849 JH

**RAFAL MISTRZAK and)
MELANIA KIRWIN,)**

Defendants.)

**NOTIFICATION OF WITHDRAWAL OF MOTION TO SET HEARING TO
DETERMINE WHETHER THERE IS A CONFLICT OF INTEREST AND ANY
ANTECEDENT PLEADINGS**

COMES NOW, Attorney, Rudolph B. Chavez to hereby give notice that he withdraws the Motion to Set Hearing to Determine Whether There is a Conflict of Interest and any antecedent pleadings filed in behalf of Melania Kirwin and as grounds STATES:

1. Attorney Rudolph B. Chavez entered his appearance in Defendant, Melania Kirwin on February 14, 2008, which was granted on May 20, 2008, then rescinded on May 28, 2008. Defendant, Melania Kirwin consulted with Mr. Chavez because of her dissatisfaction with Attorney John F. Moon Samore's representation.
2. On Saturday, June 14, 2008, Attorney Rudolph B. Chavez spoke to Melania Kirwin and Gerald Peralta who stated that they no longer wanted Mr. Chavez as counsel.
3. Concurrence was sought from United States Attorney, James Braun, who had no

opposition.

WHEREFORE Defendants, prays this Court will allow Attorney Rudolph B. Chavez to withdraw all pleadings filed in behalf of Melania Kirwin in the above referenced cause of action.

Respectfully Submitted,

s/submitted electronically

RUDOLPH B. CHAVEZ

Attorney for Defendant

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I hereby certify that a true
and correct copy of the foregoing
was mailed to all parties of
record this 17th day of
June, 2008.

s/submitted electronically

RUDOLPH B. CHAVEZ